

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 795 of 1997

in

CIVIL APPLICATION No. 6040 of 1997

with

LETTERS PATENT APPEAL No. 796 of 1997

In

CIVIL APPLICATION No. 6872 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K. THAKKER

and

MR.JUSTICE S.D. PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

WIPRO LIMITED

Versus

BHAVNAGAR ELECTRICITY CO LTD

Appearance:

MR MANISH R BHATT for Petitioner

SERVED BY DS for Respondent No. 1

MR HK RATHOD for Respondent No. 2, 3, 4, 5

CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE S.D.PANDIT

Date of decision: 17/09/97

COMMON JUDGEMENT {Per : Thakkar, J.}

Learned counsel for the appellant seeks permission to delete Respondent No. 1 - Bhavnagar Electricity Company Limited from party-respondent stating that no relief is claimed against the said respondent in the present Letters Patent Appeals. Prayer is granted. Respondent No. 1 is ordered to be deleted.

Mr. H.K Rathod, learned counsel appears for Respondent Nos. 2 to 5 (now respondent Nos. 1 to 4) and waives service of notice of admission. In the facts and circumstance of the case, the appeals are taken up for final hearing today.

These two Letters Patent Appeals arise out of a common order passed in Civil Application Nos. 5951 of 1997 and 6040 of 1997, decided on July 3, 1997. By the impugned order, the learned Single Judge permitted the respondents to withdraw the amount lying in this court, subject to the final outcome of the petition.

The learned counsel for the appellant raised various contentions. Mr. Rathod, on the other hand, supported the order passed by the learned Single Judge stating that the order was legal and valid. Pursuant to the earlier order passed by the learned Single Judge, deposit was made and now the learned Single Judge has only passed an order directing payment of the said amount to the respondents subject to final outcome of the petitions. We requested both the counsel to arrive at some understanding so far as the present controversy is concerned and to see that these appeals be disposed of at this stage. Both the counsel have taken constructive stand. Mr. Bhatt, learned counsel for appellant stated that, "Without prejudice to the rights and contentions, the appellant shall deposit in this Court within two weeks from today, an amount payable to the contesting respondents as closure benefits, calculated from the period of their services with the appellant-Company from 1st July, 1996 {the date on which they were taken in service of WIPRO} and 16th May, 1997 {the date of closure of Unit at Bhavnagar}. This deposit shall be subject to the final orders to be passed in the Writ petition being Special Civil Application No. 2490 of 1996 between the parties."

In the light of above statement, we direct the appellant to pay the said amount to the employees within a period of two weeks from the date of this Order. This

payment, however, will be subject to the final outcome of the proceedings and without prejudice to the rights and contentions of the parties. Letters Patent Appeals accordingly stand disposed of with no order as to costs.

It appears that we have passed an order on July 13, 1997 while issuing notice and making it returnable on August 19, 1997 directing the office to pay interest to respondent Nos. 2 to 5 (present respondents 1 to 4). Mr. Rathod, learned counsel for respondents states that in spite of the said order, no interest has been paid to the respondents. Office will now offer its remarks on this subject on or before 6th October, 1997.

Prakash*